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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 EVERETT HOGGE and PRISCILLA
12 HOGGE,

13 Plaintiffs,

14 vs.

15 A.W. CHESTERTON COMPANY, *et al*,

16 Defendants.

) Case No.: C07 2873 MJJ

) **DECLARATION OF PHILIP A. HARLEY**
) **IN SUPPORT OF PLAINTIFFS' MOTION**
) **FOR COSTS AND EXPENSES**
) **INCURRED AS A RESULT OF**
) **REMOVAL**

) [28 U.S.C. § 1447(c); ND CA Local Rules 7-2 & 7-8]

) Hearing Date: July 24, 2007
) Time: 9:30 a.m.
) Courtroom: 11, 19th Floor
) Judge: Hon. Martin J. Jenkins

19 I, Philip A. Harley, declare as follows:

20 1. I am an attorney admitted to practice law before this Court and all the courts of the
21 State of California and am a partner in the firm of Paul, Hanley & Harley, LLP, counsel of
22 record for plaintiffs in this action. The matters stated herein are true to my own personal
23 knowledge unless specifically stated otherwise. If called upon as a witness, I could and would
24 testify to the following facts.
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26 2. I was admitted to practice law in 1974 in Kansas and admitted to the California bar in
27 1990. Since approximately 1990, my professional activities have primarily involved handling

28 **DECLARATION OF PHILIP A. HARLEY IN SUPPORT OF PLAINTIFFS' MOTION FOR COSTS AND
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PAGE 1

1 asbestos personal injury cases in California. In the past 17 years, I have been either the primary
2 attorney or supervising attorney in more than 2,000 cases involving client suffering from
3 mesothelioma and/or other asbestos-related diseases.

4 3. In preparation of plaintiffs' motion for remand, over the weekend on June 2 and 3,
5 2007, I reviewed the facts and files pertaining to the state court action of *Everett Hogge and*
6 *Priscilla Hogge v. A.W. Chesterton Co., et. al.*, San Francisco Superior Court Case No. 452846,
7 including the history and status of settlement discussions and other related negotiations between
8 our office and counsel for the various defendants. This is contained in our firm's database,
9 which tracks confidential settlements and confidential negotiations between counsel in all
10 pending cases. I personally supervise and am involved in maintaining this database. The
11 database is a confidential business record. The firm relies on the accuracy of the information to
12 conduct its practice. I believe the information in the database is true and accurate. I referred to
13 this information to assist in the drafting of Dean A. Hanley's Declaration In Support of
14 Plaintiffs' Motion for Remand. I spent approximately .5 hours on this undertaking.

15 4. In addition to assisting in the preparation of Mr. Hanley's declaration, during the
16 week of June 4, 2007, I met and conferred with associates Stephen J. Healy and Deborah R.
17 Rosenthal of this firm regarding Plaintiffs' Motion for Remand and how to have it heard on
18 shortened time. I also assisted in the legal and factual research and drafting of Plaintiffs' Motion
19 for Remand, Order Shortening Time, Request for Intervention of the General Duty Judge, and
20 Plaintiffs' Reply brief. I spent approximately 1.5 hours handling these matters.

21 5. On June 7, 2007, I engaged in several telephone calls with a clerk of the San
22 Francisco Superior Court regarding the status of the removal and remand petitions and the
23 possibility of keeping the jury and Judge Wick assigned to the *Hogge* trial and resuming trial the
24 following week. These conversations were necessary because the jury was only time-qualified to
25 sit until June 22, 2007, and the Court also had questions about the possibility of assigning Judge
26 Wick to a new trial. I spent approximately .5 hours communicating with the San Francisco
27 Superior Court with regard to these matters.

28 **DECLARATION OF PHILIP A. HARLEY IN SUPPORT OF PLAINTIFFS' MOTION FOR COSTS AND
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PAGE 2

1 6. During the week of June 4, 2007, I personally supervised all work regarding the
2 removal in this case. This involved approximately eight telephone conversations with trial
3 attorney Stephen J. Healy and four office conference with associate attorney Deborah R.
4 Rosenthal and/or Stephen J. Healy. I reviewed legal arguments, scheduling, and local
5 procedures with these attorneys. My total time spent in supervision was two hours.

6 7. During the week of June 11, 2007, I spent an additional one hour in conference with
7 Deborah Rosenthal and Dean Hanley regarding this motion for costs and in preparing this
8 declaration and reviewing Plaintiffs' Motion for Costs and Expenses Incurred As A Result of
9 Removal.

10 8. My hourly rate is \$650 per hour.

11 I declare under the penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct. Executed on June 14, 2007, in Berkeley, California.

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14 
15 Philip A. Harley